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NOTICE OF ALLOWANCE AND FEE(S) DUE

39232 7590 05/30/2008
Themis Intellectual Property Counsel
7660 Fay Ave Ste H378
La Jolla, CA 92037

EXAMINER	
ROZANSKI, MICHAEL T	
ART UNIT	PAPER NUMBER

3768
DATE MAILED: 05/30/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,411	08/14/2006	Mauro Marinelli	KAR 014	3620

TITLE OF INVENTION: SUSCEPTOMETER FOR NON-INVASIVE IRON LEVEL MEASUREMENT IN A BODY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	09/02/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$720	\$300	\$0	\$1020	09/02/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
ROZANSKI, MICHAEL T	3768	600-409000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/538,411

Examiner

MICHAEL ROZANSKI

Applicant(s)

MARINELLI, MAURO

Art Unit

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant remarks filed 3/4/08.
2. ☒ The allowed claim(s) is/are 13-31 and 42-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Claims 42-53 are allowable. The restriction requirement between Groups 1 and 2 and Species A-D, as set forth in the Office action mailed on 8/22/07, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 13-31 are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Authorization for this examiner's amendment was given in a telephone interview with Franco Serafini (Reg No. 52,207) on 5/21/08.

The application has been amended as follows:

13. [A] The susceptometer of claim 42 [as claimed in one or more of the preceding claims], characterized in that it has a support structure for the magnetic field source/s (2, 2' and small magnet)) and the first and second magnetic field sensors [pick-ups (4, 4' 6, 6')], including an upright [(21)], wherefrom three cantilevers [(22)] project at different heights and in substantially aligned positions to support the magnetic field source/s (2, 2'and small magnet)) and the first and second magnetic field sensors [pick-ups (4, 4'; 6, 6')] respectively.

14. [A] The susceptometer of [as claimed in] claim 13, characterized in that the upright [(21)] and/or the cantilevers [(22)] are provided as tubular or box-like elements[, like panels,] and may be removably fastened together by locking and/or centering means.

15. [A] The susceptometer of claim 13 [as claimed in claim 12 or 13], characterized in that the cantilevers [(22)] are joined to the upright by means of extensions of their vertical side walls, which have the form of fastening tabs, abutting against the corresponding side walls of the upright [(21)] and secured thereto by means of fast pins and dowels [(23,24)].

16. [A] The susceptometer of claim 13 [as claimed in one or more of the preceding claims 12 to 15], characterized in that the cantilevers [(22)] have cavities for receiving the first and second magnetic field sensors [pick-up/s (4, 4'; 6, 6')] and the magnetic field source/s (2, 2'and small magnet)) respectively, which cavities are formed within the thickness of said cantilevers.

17. [A] The susceptometer of claim 13 [as claimed in one or more of the preceding claims 12 to 16], characterized in that the first and second magnetic field sensors [pick-up/s] and the magnetic field source/s] are secured inside the thickness of the cantilevers [(22)] by dowels [(222)] and fast pins [(322)].

18. [A] The susceptometer of claim 13 [as claimed in one or more of the preceding claims 12 to 17], characterized in that the lower end upon which the upright rests, is connected to a base plate by means of trapezoidal reinforcement plates [(25)], which are fastened to said base [(26)] and to the side walls of the upright [(21)].

19. [A] The susceptometer of claim 13 [as claimed in one or more of the preceding claims 12 to 18], characterized in that the support structure [(20)] with the first and

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second magnetic field sensors [pick-ups (4, 4'; 6, 6'')] and with the magnetic field source/s (2, 2' and small magnet)] are accommodated in a first inner shell [(30)], which has a cavity [(130)] for housing the upright [(21)] which cavity communicates with three cavities for housing the cantilevers [(22)], the lower portion of the first cavity [(130)] being widened to form a trapezium which corresponds to the trapezoid base [(25)] of the support structure [(20)].

20. [A] The susceptometer of [as claimed in] claim 19, characterized in that the assembly composed of the support structure [(20)] with the first and second magnetic field sensors [pick-ups (4, 4'; 6, 6'')] and with the magnetic field source/s (2, 2' and small magnet)] and its first inner shell [(30)] are accommodated in a second outer shell [(31)], whose shape corresponds to that of the first inner shell [(30)], and whose size is larger to form a salable gap, through which a diathermic fluid may flow for temperature stabilization purposes.

21. [A] The susceptometer of claim 20 [as claimed in one of claims 19 or 20], characterized in that the first inner shell has two tubular supporting beams [(32)] along the side walls, at the trapezoidal widened base.

22. [A] The susceptometer of [as claimed in] claim 21, characterized in that the two tubular support beams [(32)] also act as inlets and outlets for the diathermic fluid flowing in the gap between the inner shell [(30)] and the outer shell [(31)].

23. [A] The susceptometer of claim 13 [as claimed in one or more of the preceding claims 12 to 22], characterized in that it is provided in combination with a patient table, a stretcher, or the like [(40)], whose patient supporting surface [(43)] is supported in such a manner as to be able to move vertically between the two operating positions in which the body to be screened is introduced, between the cantilever that supports the magnets [(2, 2'')] and the cantilever of upper first and second magnetic field sensors [pick-ups (4, 4'')] and between the cantilever that supports the magnets [(2, 2'')] and the cantilever [(22)] of lower first and second magnetic field sensors [pick-ups (6, 6'')] respectively.

24. [A] The susceptometer of [as claimed in] claim 23, characterized in that the patient supporting surface has a cavity for accommodating the cantilever [(22)] that supports the lower first and second magnetic field sensors [pick-up/s (6, 6'')] and/or the cantilever [(22)] that supports the magnetic field source/s (2, 2').

25. [A] The susceptometer of claim 24 [as claimed in claim 23 or 24], characterized in that the patient table or stretcher [(40)] has a base [(41)] that runs on rails.

26. [A] The susceptometer of claim 25 [as claimed in one or more of claims 23 to 25], characterized in that the body supporting surface [(43)] may be lifted or lowered with

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respect to the base [(41)], [thanks to] through a jointed arm lifting system [(42)] and removable position lock means.

27. [A] The susceptometer of claim 13 [as claimed in one or more of the preceding claims], characterized in that it has three magnetic field sources [(2, 21 and small magnet)] each being able to generate different magnetic field flux distributions.

28. [A] The susceptometer of [as claimed in] claim 27, characterized in that first and second magnetic field sensors [two pick-ups (4, 4'; 6, 6')] are provided on each side of the magnetic field sources [(2, 2')], each being dimensionally adapted to the volume permeated by the magnetic flux of the corresponding magnetic field source [(2, 2')].

29. [A] The susceptometer of claim 28 [as claimed in one or more of the preceding claims 28 to 28], characterized in that it has two magnetic field sources [(2, 2')], formed by annular circular coils, which have different diameters, one being contained in the other, and are coaxial to each other and to the first and second magnetic field sensors [two pick-ups (4, 4'; 6, 6')], the latter being themselves provided as coils, one in the other and coaxial to each other, the size of concentric coils [(4, 4'; 6, 6')] being adapted to the size of the corresponding magnetic field source [(2, 2')].

30. [A] The susceptometer of claim 29 [as claimed in one or more of the preceding claims], characterized in that an additional magnetic field source is associated to each first and second magnetic field sensors [pick-up or pick-up pair (4, 4'; 6, 6')].

31. [A] The susceptometer of [as claimed in] claim 30, characterized in that said magnetic field source has an annular shape and is mounted coaxially inside the smaller first and second magnetic field sensors [pick-up of each pick-up pair (4, 4'; 6, 6')].

43. The susceptometer of claim[s] 42, wherein the first and the second sensors are disposed symmetrically with respect to the source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ROZANSKI whose telephone number is (571)272-1648. The examiner can normally be reached on Monday - Friday, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/
Primary Examiner, Art Unit 3768

MR